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United States Patent & Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 59643.00174
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed Name _____	Application Number: 10/664,071 Filed: September 17, 2003
	First Named Inventor: Sami PÖYKKÖ et al.
	Art Unit: 2683
	Examiner: Vu, Michael T.

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed
- ☒ Attorney or agent of record.
Registration No. 51,091

- ☐ Attorney or agent acting under 37 CFR 1.34.
Reg. No. is acting under 37 CFR 1.34 _____



Signature

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Typed or printed name

703-720-7800

Telephone number

March 8, 2006

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☐ *Total of _____ forms are submitted.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sami PÖYKKÖ et al.

Art Unit: 2683

Application No.: 10/664,071

Examiner: Michael T. Vu

Filed: September 17, 2003

Attorney Dkt. No.: 59643.00174

For: IMPROVEMENTS IN A LOCATION SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 8, 2006

This is a Pre-Appeal Brief Request for Review from the final rejection set forth in an Office Action dated November 10, 2005 ("Office Action"), finally rejecting claims 1-20. Applicants submit that cited references fail to disclose or suggest all of the limitations of any of the pending claims and that these failures constitute clear error with regard to this final rejection.

The cited references fail to disclose or suggest all of the limitations of any of the pending claims.

The claim rejections are set forth in page 2 of the Office Action. The Office Action rejected claims 1-20 under 35 U.S.C. 103(a) as being obvious over US Patent No. 6,108,558 to Vanderspool (Vanderspool) in view of US Publication No 2003/0125046 to Riley (Riley). The Office Action took the position that Vanderspool disclosed all of the features of the pending claims except the feature of analyzing the measurements to identify suspicious measurements. The Office Action asserted that Riley disclosed this feature. Applicants submit that the cited references taken

individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims.

Claim 1, from which claim 2 depends, recites a method of providing information regarding a location of a mobile user of a communication system. Claim 1 recites in part, analyzing an effect of ignoring a measurement, to identify suspicious measurements. The method further includes calculating a location estimate for a mobile user based on the selected measurements.

Claim 3, from which claim 4 depends, recites a communication system. Claim 3 recites in part, a communication system that includes an analyzer configured to analyze an effect of ignoring a measurement to identify suspicious measurements. Still further, the communication system includes a calculating device configured to calculate a location estimate for a mobile user based on the selected measurements.

Claim 5, from which claim 6 depends, recites a communication system. Claim 6 recites in part a communication system that includes an analyzing means for analyzing an effect of ignoring a measurement, to identify suspicious measurements, and a calculating means for calculating a location estimate for a mobile user based on the selected measurements.

Claim 7, from which claims 8-11 depend, recites a location system. Claim 7 recites in part, a location system that includes a suspicious measurement identifier configured to identify suspicious measurements by analyzing a discrepancy between the measurement and the location estimate.

Claim 12, from which claims 13-16 depend, recites a method for providing location information to a user in a communication system. Claim 12 recites in part, determining a location estimate based upon the measurement regarding the geographic location, and identifying

suspicious measurements by analyzing a discrepancy between the measurement and the location estimate.

Claim 17, from which claims 18-20 depend, recites a location system. Claim 17 recites in part. The method further includes determining means for determining a location estimate based upon the measurement regarding the geographic location, and identifying means for identifying suspicious measurements by analyzing a discrepancy between the measurement and the location estimate.

Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest at least the feature of analyzing the effect of ignoring a measurement to identify suspicious measurements, as recited in claim 1 and similarly recited in claims 3, 5, 7, 12, and 17, because Riley fails to cure the admitted deficiencies of Vanderspool.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Vanderspool is directed to a method for calculating a location of a remote unit utilizing observed time difference (OTD) and real time difference (RTD) measurements. The Office Action admits that Vanderspool has deficiencies as prior art against the present pending claims and relies on Riley to cure the admitted deficiencies. Vanderspool is further discussed in Response dated February 2, 2006.

Riley is directed to a use of mobile stations for determination of base station location parameters in a wireless mobile communication system. Figures 7-9 of Riley illustrate a flow diagram showing how the position and time offset of a base station is determined from a number of mobile station positions, mobile station offsets and pseudo-ranges between the base station and

the mobile station positions. Riley as discussed above, is relied upon in the Office Action to cure the admitted deficiencies of Vanderspoo, such as analyzing the measurements to identify suspicious measurements, deciding selected measurements for use by the location calculation function, and calculating a location estimate for a mobile user based on the selected measurements.

Applicants respectfully submit that Riley fails to cure the admitted deficiencies. The method in Riley does not disclose or suggest a determination of whether particular measurements may be erroneous, i.e., suspicious, but merely whether the previously determined position of the base station is correct or not. Thus, there is no suggestion in Riley that calculations are performed in order to provide a location estimate with each of the remaining measurements, as recited in the pending claims.

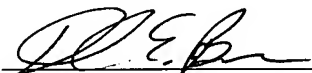
Furthermore, Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest the feature of selecting any particular measurements for calculating a location measurement of a mobile user, as recited in claims 1, 3, 7, 12 and 17. The Office Action admits that Vanderspoo fails to disclose this feature and relies on Riley. As discussed in the Response dated February 2, 2006, Riley merely relates to a method in which mobile stations are used to determine the location parameters of a base station. Thus, Riley fails to disclose a method for determining the location of a mobile user, as recited in the present application (see paragraphs [0009] to [0012] of Riley).

Based at least on the above, Applicants respectfully submit that the Final Office Action does not establish prima facie obviousness because Riley fails to cure the admitted deficiencies of Vanderspoo. The failure to establish prima facie obviousness, amounts to clear error on the part of the Office Action in finally rejecting the pending claims.

Conclusion

For all of the above noted reasons, it is respectfully requested that the outstanding rejections be withdrawn, because the cited references do not teach or suggest all of the elements of any of the presently pending claims. Hence, the lack of a *prima facie* case of obviousness constitutes clear error as a basis for rejecting the presently pending claims. Therefore, it is respectfully requested that all of the pending claims be allowed, and that this application be passed to issue.

Respectfully submitted,



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Enclosures: Form PTO/SB/33
Notice of Appeal
Petition for Extension of Time